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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,455	12/13/1999	STEVEN E. GARDELL	96-3-511-CON	2494

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EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
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2153

11

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/460,455

Applicant(s)

GARDELL ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16, 18-22, 25-28, 30-33 and 35-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16, 18-22, 25-28, 30-33 and 35-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In view of the terminal disclaimer filed 1/6/04, the obviousness double patenting rejection in the prior office action is withdrawn.

Response to Arguments

Applicant's arguments filed 1/6/04 have been fully considered but they are not persuasive.

A. Applicant argues that Kikinis does not teach retrieving information having 'interactive elements' and creating a second network information based on the characteristic of the interactive elements. The argument is not persuasive because neither the claim language or applicant's response elaborate on what kind of information is considered to be interactive. Kikinis disclose providing WebPages and allowing users to initiate on-screen links and to input data into input fields (see col.7 lines 32-36); these are clearly interactive elements. Taking the broadest reasonable interpretation, picture, video, audio, etc. can be also considered as interactive elements in a web page because a user can interact with the video and audio elements (e.g. play, pause, stop, etc.) and picture can functions as buttons or menu items for hyperlinks. Kikinis specifically discloses retrieving web page with picture, audio,

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and video [see col.6 lines 27-36, col.10 lines 56-68]. Hence, Kikinis has retrieval of information (web page) having interactive elements (picture, audio, video, etc.).

Although it is true that Kikinis converts the interactive elements based on the characteristic of the receiving device, the specific conversion done is also based on the nature of the elements themselves. Kikinis discloses JPEG picture is recoded to bitmap [col.7 lines 15-22], and audio is recoded to LPC format [col.11 lines 15-22]. Hence, Kikinis met the limitation of creating second information based on the characteristic of the interactive elements.

B. Regarding claim 13, 25 and 56, Kikinis specifically discloses network information (web page) with user interface element definition (col.7 lines 34-47 - 'on-screen links' and 'input fields') and display information (e.g. text and images). The web page (first information) is converted to HT-Lite format [see col.10 lines 25-30] and images, audio, video, etc. are converted as explained above in A. These formed the claimed second network information. At the client device, the NanoBrowser on the client device must process the second information to render to a display on the client device. The data generated to create the display on the client screen is the third information as claimed.

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C. Regarding claim 36, 41, and 66, Kikinis discloses receiving a request for a web page, retrieving the associated HTML file and any related files specified by the HTML file (see col.10 lines 1-18). The examiner is taking a position that a displayed web page is a presentation of a user interface because a web page can contains various input fields, buttons, menus and hyperlinks, etc. that can receive interaction from the user. The HTML file defines what and how various elements are to be presented to form the displayed web page. Hence, the HTML file of a requested web page contains 'user interface element definition' as claimed. The various related files needed to form the web page are the 'first network information' related to the 'interface element definition' and the request as claimed. The conversions done by the proxy on the various files formed the device information as claimed..

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the

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effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, 36-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis US patent 5,727,159.

As per claim 1, Kikinis teaches an apparatus (proxy server 19) essentially as claimed, comprising:

means for receiving request and means for retrieving first network information having interactive elements [fig.4, #81 - #97];

means for creating second network information comprising display information [images #101] and definitions [layout #99] based on characteristic of the interactive elements [col.7 lines 12-24, 44-55, col.10 lines 56-68];

means for transmitting the second information [fig.4 #105].

As per claim 2, Kikinis teaches capture information related to the current session [col.7 lines 12-24].

As per claim 3, Kikinis teaches means accessing the internet [col.4 lines 25-28].

As per claim 4, Kikinis teaches translating the information from first format to second format [fig.4 #99 - #103].

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As per claim 6, Kikinis teaches means for receiving user request related to the definition [fig.4 - request to a WEB page 76 - a web page is an HTML encoded file with definition of information to be rendered].

As per claim 46, Kikinis teaches using the captured information in another request [apparent from col.7 lines 12-24 that the proxy remember the setting for a particular PDA in another request].

As per claims 7-10,12,47, 13-16,18-22,48, 25-28,30-33,49, 36-45, 50-69 are rejected under similar rationales as for claims 1,2-4,6 and 46 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US patent 5,727,159.

As per claim 70, Kikinis does not specifically disclose the network information including MPEG information. However, official

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notice is taken that it is well known to provide video via MPEG over the Internet. Kikinis discloses providing conversion for multimedia data provided over the Internet [col.6 lines 55-68]. Hence, it would have been obvious for one of ordinary skill in art to have conversion for MPEG so as to enable the client device to view the video data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh
Primary Examiner
July 2, 2004